REMARKS

The Amendments

Claim 3 is amended in view of the restriction requirement. Support for the amendment can be found in Claim 1.

Claim 31 is amended in view of the restriction requirement. Support for the amendment can be found in Claim 24.

New Claim 43 is supported by Claim 24.

No new matter is added in any of the amendment. The Examiner is requested to enter the amendments prior to Examination of the application.

The Response

In response to the restriction requirement, Applicants are electing Group 2, Claims 3-4, 11, 17 and 30-31, which are drawn to polypeptides, pharmaceutical compositions comprising polypeptides, and kits comprising polypeptides without traverse.

Applicants further make the following election with traverse.

Claims 3-4, 11 and 17

Applicants thank Examiner Shaw for the telephone interview dated July 8, 2008. In the telephone interview, Examiner Shaw confirmed that polypeptides encoded by frameshift mutations of a single gene would be considered as one group and examined together.

Applicants hereby elect one single gene TAF1B with traverse.

MPEP 803.02 states, "Since the decisions in In re Weber, 580 F.2d 455, 198 USPQ 328 (CCPA 1978) and In re Haas, 580 F.2d 461, 198 USPQ 334 (CCPA 1978), it is improper for the Office to refuse to examine that which applicants regard as their invention, unless the subject matter in a claim lacks unity of invention. In re Harnisch, 631 F.2d 716, 206 USPQ 300 (CCPA 1980); and Ex parte Hozumi, 3 USPQ2d 1059 (Bd. Pat. App. & Int. 1984). Broadly, unity of invention exists where compounds included within a Markush group (1) share a common utility, and (2) share a substantial structural feature essential to that utility."

The members of the Markush groups in Claim 3 are five genes that shares a common utility for detecting or treating disorders asssociated with frameshift mutations in coding microsatellites. The five genes in the Markush group also share a substantial core structural feature essential to that utility, i.e., they all have A11 repeats in the coding microsatellite region.

Therefore, Applicants request that the Examiner examine the entire Markush group of the amended Claim 3.

Claims 30-31

Applicants have amended Claim 30 to recite at least three polypeptides. Applicants hereby elect HT001, TGFBR2, TAF1B for examination with traverse.

The members of the Markush groups in Claim 30 are two sets of three genes that shares a common utility for treating disorders asssociated with frameshift mutations in coding microsatellites. The two sets of genes only differ by one gene, i.e., TAF1B vs. MACS, which share a substantial core structural feature essential to that utility, i.e., they all have A11 repeats in the coding microsatellite region.

Therefore, Applicants respectfully request that the Examiner examine the both sets of genes in Claims 30-31.

Respectfully submitted,

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